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defendants contend that Seligman is unable to prove that he suffered damages proximately caused by any alleged negligence on Tenzer's part. The motion has been briefed and argued and is ripe for decision.

Summary judgment is appropriate when there is "no genuine issue of material fact," given the parties' burdens of proof at trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986); *see* Fed. R. Civ. P. 56(c). In determining whether the moving party has shown that there is no genuine issue of material fact, a court must assess the factual evidence and all inferences to be drawn therefrom in the light most favorable to the non-moving party. *See Ross v. Communications Satellite Corp.*, 759 F.2d 355, 364 (4th Cir. 1985).

Rule 56 "mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). Summary judgment is not "a disfavored procedural shortcut," but an important mechanism for weeding out "claims and defenses [that] have no factual basis." *Id.* at 327. It is the "affirmative obligation of the trial judge to prevent factually unsupported claims and defenses from proceeding to trial." *Drewitt v. Pratt*, 999 F.2d 774, 778-79 (4th Cir. 1993) (internal quotation marks omitted).

For the reasons urged by the defendants, and based on a careful consideration of the entire record, I find that the plaintiff is unable to prove his case. Accordingly, I will grant summary judgment in favor of the defendants.¹

A final judgment will be entered forthwith.

DATED: June 27, 2005

/s/ JAMES P. JONES
Chief United States District Judge

¹ The defendants have also filed a Motion to Exclude Plaintiff's Expert, but in view of my disposition of the case, it is unnecessary for me to decide that motion.